



State of Florida

**REPEALED 07/13/09
- MERGED INTO POLICY 10.01**

**Department of
HIGHWAY SAFETY AND MOTOR VEHICLES**

SUBJECT ACCOUNTING, CONTROL, TRANSFER, AND DISPOSAL OF ABANDONED, LOST, OR UNCLAIMED PROPERTY	POLICY NUMBER 10.06
POLICY MAINTENANCE ADMINISTRATOR: Chief, Bureau of Accounting	
PURPOSE/SCOPE: To establish policy and procedures to handle and dispose of abandoned, lost, or unclaimed property that may come into the Department's possession.	

I. AUTHORITY

- Section 273.05, Florida Statutes
- Sections 705.102-105, Florida Statutes
- Section 790.07 (2),(4), Florida Statutes
- Section 717.103, Florida Statutes
- Section 790.08, Florida Statutes
- Section 932.703, Florida Statutes

II. DEFINITIONS

- A. Abandoned Property - All tangible personal property which does not have an identifiable owner and which has been disposed on public property in a wrecked, inoperative or partially dismantled condition or which has no apparent intrinsic value to the rightful owner.
- B. Custodian's Delegate - A person under the supervision of the property custodian who may be delegated the use and immediate control of property and from whom the custodian may require custody receipts.
- C. Law Enforcement Agency - The municipal, county, or state law enforcement entity which has jurisdiction over the geographical area in which the property is found.
- D. Law Enforcement Officer - Any person who is elected, appointed, or employed full-time by any sheriff, municipality, or the State or any political subdivision, who is vested with

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authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the State.

- E. Lost Property - That tangible personal property which does not have an identifiable owner and has been mislaid on public property, upon a public conveyance, on premises used at the time for business purposes, or in parks, places of amusement, public recreation areas, or other places open to the public in a substantially operable, functioning condition or has an apparent intrinsic value to the rightful owner.
- F. Property Custodian - Any member or agent of the Department authorized to maintain control of property which is in the custody of the Department.
- G. Unclaimed Evidence - Any tangible personal property, including currency, which was seized by a law enforcement agency, was intended for use in a criminal or quasi-criminal proceeding, and is retained by the law enforcement agency or clerk of the county or circuit court for 60 days after the final disposition of the proceedings and for which no claim of ownership has been made.
- H. Unclaimed Property - Any tangible personal property, including currency, of value which has not been claimed by the rightful owner or rightful lienholder.

III. POLICY

It is the Department's policy to attempt to return to the rightful owner any personal property which comes into its possession and to ensure proper disposal of abandoned or unclaimed personal property.

IV. PROCEDURE

A. Abandoned or Lost Property

1. A Department member who encounters easily removed abandoned or lost property will deliver such property to the appropriate property custodian or custodian's delegate for his/her respective area. A Department member who encounters abandoned or lost property that cannot easily be removed will report the description and location of the property to a law enforcement officer of the appropriate (as

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determined by ownership of the land upon which the abandoned or lost property is located) state, county, or municipal law enforcement agency for disposition pursuant to ss.705.102 and 705.103, F.S.

- a. If found during the course of the member's official duties and if eventually unclaimed, such property will become the property of the Department.
 - b. If found outside the course of the member's official duties and if eventually unclaimed, such property will become the property of the finder, if the finder indicates a desire to make a claim, the rightful owner or lienholder is not identified or located (s.705.102, F.S.), and the notice requirements (s.705.103, F.S.) have been met (s.705.104, F.S.).
 - c. A finder who desires to make a claim to the property will provide the property custodian a reasonable sum, as determined by the custodian, sufficient to cover the Department's cost for transportation, storage, and publication of notice. This sum will be reimbursed to the finder by the rightful owner if the owner identifies and reclaims the property (s.705.102, F.S.).
2. Title to abandoned or lost property becomes vested in the finder (State or individual as per A.1.a. or b. above) after 90 days from the date of delivery to the custodian or law enforcement agency, provided the notice requirements of s.705.103, F.S., have been met, the rightful owner or lienholder has not claimed the property (s.705.104, F.S.), and the deposit required by s.705.102(2), F.S., has been made.
 3. For abandoned or lost property not easily removed which is reported to the Florida Highway Patrol (FHP), the FHP will post a notice on such articles and will notify identifiable owners and lienholders by certified mail in accordance with s.705.103(2), F.S.
 - a. If the abandoned or lost article(s) has not been removed from public property (or the owners have not shown reasonable cause for failure to do so) at the end of five days after posting and mailing the notice, the FHP will do the following:
 - (1) Retain any or all of the abandoned property for its own use or for use by the State, trade such property to a unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

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- (2) Take custody and retain the lost property for 90 days and publish notice of DHSMV's intended disposition of the property as per section 6 below.
 - (3) Deliver recovered weapons and firearms, which do not constitute evidence to the sheriff of the country in which the property was located within 60 days.
4. The owner of any abandoned or lost property who, after notice as provided in subparagraph 3 above, does not remove such property within the specified period will be liable to the FHP for all costs of removal, storage, and destruction of such property, less any salvage value obtained by disposal of the property. Upon final disposition of the property, the FHP will notify the owner, if known, of the amount owed. In the case of an abandoned vessel or motor vehicle, any person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such vessel or motor vehicle, or any other boat or motor vehicle, until such costs have been paid. The FHP will notify the Division of Motor Vehicles of persons whose vessel or motor vehicle registration privileges have been revoked under this subsection.
 5. The Division of Motor Vehicles will not issue a certificate of registration to a person whose vessel or motor vehicle registration privilege has been revoked, as provided by section 4 above, until such costs have been paid.
 6. For abandoned or lost property delivered to the appropriate custodian or custodian's delegate, the following will take place:
 - a. The custodian will take custody and the Department will retain the property for 90 days.
 - b. Within 90 days after the property comes into the possession of the Department, the property custodian or delegate will place a legal notice in a newspaper of general circulation in the county where the property was found if the value of the property is more than \$100. If the value of the property is \$100 or less, notice will be given by posting a description of the property at the law enforcement

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agency where the property was turned in. The notice must be posted for not less than two consecutive weeks in a public place designated by the law enforcement agency. The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it.

(1) The notice will be published once a week for two consecutive weeks.

(2) The notice shall be in accordance with s.705.103, F.S. The notice will identify all unclaimed and lost property in the possession of the Department, will state that if the property is not claimed; indicate that the title to the property will vest in the finder or in the State pursuant to s.705.104, F.S., and will indicate the Department's intended disposition (retain the property for use by the Department, donate the property to a charitable organization, surrender such property to the finder, sell the property, trade the property to another unit of local or state government, or destroy the property).

- c. If the property remains unclaimed for 90 days and the finder has made no claim, the title will vest in the State. If the Department cannot use the property for any purpose, that property will be declared surplus and sold pursuant to ss.273.05 and 705.103, F.S.
- d. The supplies supervisor will certify that the property is surplus in accordance with Management Policy #10.01, section IV.H.
- e. Property of value which could easily be lost, misplaced, or stolen (cameras, jewelry, etc.) will be kept in a safe deposit box secured location with limited access.
- f. Property with no apparent intrinsic value (personal items such as documents, credit cards, cosmetics, keys, etc.) will be destroyed if not claimed within 90 days. All notices referring to these items will indicate destruction if not claimed.

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g. Unclaimed driver licenses will be forwarded to the Division of Driver Licenses, Bureau of Records, for proper disposition.

B. Abandoned or Lost Currency

1. A Department member who discovers lost or abandoned currency in the course of his/her official duties will deliver it to the property custodian or his/her delegate.
2. The property custodian will deposit this currency (except as per paragraph B.3 below) in the nearest local authorized bank account (as a separate deposit, not part of the daily deposit), as soon as possible. The property custodian will complete the deposit slip and have each copy validated at the designated bank upon deposit. The property custodian will retain one copy for his/her records and FAX a copy to the Bureau of Accounting, Fixed Assets and Inventory Section [(850) 617-5228] **no more than 24 hours following the deposit of the currency.**
3. If the currency appears to have intrinsic value in and of itself (old bills, rare coins, gold or silver coins, etc.), the currency will be kept in a secured location with limited access, rather than deposited in the authorized bank account.
4. The property custodian or his delegate will send a notice by certified mail, return receipt requested, to any person(s) known to have a claim to the currency.
 - a. The notice will state that if the currency is not claimed within 90 days from the date of notice, the currency will be transferred to the Department of Banking and Finance, State of Florida, pursuant to s.717.103, F.S.
 - b. If the owner of the currency is unknown, the property custodian or delegate will place notices as per s.705.103, F.S., and upon available bulletin boards indicating a nonspecified amount of currency is in the possession of the Department.
 - c. The notice will not describe the amount, where or when found, description, circumstances or identify the finder as it relates to the currency. Rather, it will state that the Department is holding an unspecified amount of money.

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5. If the currency is not claimed within 90 days from the date of notice, the Chief, Bureau of Accounting, will transfer the money to the Department of Banking and Finance, State of Florida, pursuant to s.717.103, F.S. All costs incurred by the responsible division will be deducted from the gross amount of the unclaimed currency transferred.
 - a. By memorandum, the property custodian will advise the Chief, Bureau of Accounting, regarding the efforts made to locate the owner of the currency.
6. Currency found by a Department member outside his/her official duties will be handled as described above. After 90 days, the transfer shall be to the finder.

C. Unclaimed Evidence

1. Title to unclaimed evidence (other than weapons and firearms), gathered by the FHP, in the custody of the court or clerk of the court from a criminal proceeding, or seized as evidence and in the custody of FHP, will become vested permanently in the FHP 60 days after the conclusion of the proceedings.
 - a. If the property is of appreciable value, the Department may elect to retain the property for the agency's own use, transfer the property to another unit of State or local government, donate the property to a charitable organization, or sell the property at a public sale pursuant to s.705.103, F.S.
 - b. If the property is not of appreciable value, the FHP may elect to destroy it.
2. Weapons and firearms, as unclaimed evidence, will be disposed of in accordance with s.790.08, F.S.
3. If the unclaimed currency is seized as evidence and is not subject to forfeiture pursuant to s.932.703, F.S., it will be deposited in the local authorized bank account for transfer to the Law Enforcement Trust Fund.

D. Expenses Incurred

1. All expenses incurred to advertise, rent a safe deposit box, or perform other activities will be processed through a local purchase order.

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2. When appropriate, the Chief, Bureau of Accounting, will seek reimbursement of Department expenses incurred by the implementation of this policy.

E. Retention of Lost or Unclaimed Property for Use by the Department

1. Any unclaimed property which remains in the possession of the Department for more than 90 days (with the exception of currency) is eligible for use by any requesting division.
2. A request for retention of lost or unclaimed property will be made by the requesting division to the Chief, Bureau of Accounting.
 - a. The request will consist of a description of the property item and an estimate of its fair market value.
3. The Chief, Bureau of Accounting, will be responsible for establishing appropriate property records and assigning property identification numbers to the item(s).